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EXAMINER

DO, AN H

ART UNIT

PAPER NUMBER

2853

DATE MAILED: 03/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/001,648

Applicant(s)

SMITH, DONALD X.

Examiner

An H. Do

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: \_\_\_\_

### **DETAILED ACTION**

This is the first Office Action on the merits responsive to the filing of the pending application.

#### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 30 October 2001 is being considered by the examiner.

#### ***Claim Objections***

2. Claims 1, 17 and 21 are objected to because of the following informalities:

##### **In claims 1 and 17:**

-Change "a priority level" in line 7 to --the priority level-- to correct some minor antecedent basis.

##### **In claim 21:**

-Delete "the computer" in lines 4, 6 and 8.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9, 12, 13, 17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Inora et al (US 6,145,947).

Regarding claims 1 and 17, Inora et al discloses in Figures 1, 2, 5, 6 and 8B a method for rationing ink in a printer (10), the printer (10) having an ink supply (column 3, lines 7-8) for printing content on print media, the method comprising the steps of: receiving a print job (S501) comprising print content (Figure 6); parsing (S502-S505) the print content prior to printing; if the print content is assigned a priority level (Figure 6), printing the print content in a print mode that is appropriate for the priority level (column 5, lines 53-59); and if the print content is not assigned a priority level (Figure 6), printing the print content using a normal print mode (column 5, lines 40-46).

Regarding claim 2, it is also disclosed in Figure 6 that the print content is comprised of a plurality of at least one section and each section is assigned a priority level (601).

Regarding claim 3, it is disclosed the step of printing each section of the print content in according to the priority level assigned to that particular section (column 5, lines 40-67).

Regarding claim 4, it is further disclosed the steps of. printing a first section of print content that comprises a low priority level by printing the first section in grayscale (column 5, lines 53-59); and printing a second section of print content that comprises a high level of priority by printing the second section in the normal print mode (column 5, lines 40-46).

Regarding claim 5, it is disclosed the step of coupling the printer (10) to a computer (20).

Regarding claim 6, it is disclosed in Figures 1 and 8B the step of parsing (S803-806) is performed by the computer (20).

Regarding claims 7, 13 and 19, Inora et al discloses in Figures 1, 2, 5, 6 and 8B a printer (10) having a capability to ration its ink supply (column 3, lines 7-8) in response to the ink supply level, the printer (10) comprising: a printing device (104) that prints a received print job on print media; and a controller (103), coupled to the printing device (104), that controls the printing device in response to the print job, the controller (103) having means (106, 107) for instructing the printing device to print in an ink-rationing mode (column 3, lines 21-36) in response to the ink supply level (column 6, lines 55-65).

Regarding claim 8, it is disclosed that the print job comprises content (Figure 6) having at least one section (601, 602), each of the at least one section comprising a priority level.

Regarding claim 9, it is further disclosed that the controller (103) further comprises means for instructing the printing device to print in the ink rationing mode (column 3, lines 21-36) in response to both the ink supply level (column 6, lines 55-65) and each priority level (column 5, lines 40-67).

Regarding claims 11 and 12, it is disclosed that the printing device (104) comprises a piezoelectric inkjet pen or a thermal inkjet pen (column 3, lines 1-2).

Regarding claims 20 and 23, it is disclosed that the ink rationing mode comprises printing in a grayscale mode (column 5, lines 43-46).

Regarding claim 14, Inora et al discloses in Figures 1, 5 and 6 a method for generating a print document that can be printed in an ink rationing printer (10), the method comprising the steps of generating (S501) content that is comprised of at least one section (601, 602); assigning (S502-503) a print priority level to each section of the at least one section of the content; and generating (S507) the print document comprising the content and the at least one priority level.

Regarding claim 15, it is disclosed that the at least one print priority level is a minimum print priority level (column 5, lines 43-46).

Regarding claim 16, it is further disclosed the steps of transmitting the print document to a printer (10) having an ink rationing mode (column 3, lines 21-36), the ink rationing mode printing the content in response to a printer ink supply level and the at least one priority level; and generating a charge of a predetermined monetary value if the print document is printed at a priority level that is less than the minimum print priority level (column 5, lines 40-67).

Regarding claim 21, Inora et al discloses in Figures 1, 2, 5, 6 and 8B a system comprising a computer (20) coupled to a printer (10), the printer (10) having an ink supply (column 3, lines 7-8) for printing content on print media, the method comprising the steps of: receiving a print job (22) comprising print content, the content having at least one section (601, 602); parsing (S502-S505) the print content to determine at least one print priority level for each section of the at least one section; generating (Figure 5) a print job in response to the content and the at least one print priority level; transmitting

(101) the print job to the printer (10); and printing (S507) the print job in response to the content and the at least one print priority level.

Regarding claim 22, it is also disclosed that the step of printing comprises printing the content in an ink rationing mode (column 3, lines 21-36) in response to the at least one print priority level.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inora et al (US 6,145,947) in view of Grune et al (US 6,209,995 B1).

Inora et al discloses the claimed invention except for reciting the ink supply comprises a laser printer toner supply.

Grune et al teaches the ink supply comprises a laser printer toner supply (column 1, lines 15-18).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the a laser printer toner supply, as taught by Grune e al, for the purpose of forming a thermosetting image as noted in column 1 lines 15-16 of Grune et al.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jentzsch et al (US 6,450,093 B1) discloses in Figure 3 a device

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having an ink tray (1) with an adjoined ink ball (2), the ink tray (1) carries an ink blade (3) on the side toward the ink ball (2). The ink blade (3) is separated in multiple sections (3.1...3.x) the so-called ink zones. The ink consumption of the individual ink zones is determined by a computer receiving data about the running printing job (column 2, lines 49-54) as shown in Figure 3.

***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to An H. Do whose telephone number is 703-308-0525. The examiner can normally be reached from Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow, Jr. can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



An H. Do  
March 17, 2003